

**MAR 12 2009**

PTO/SB/21 (02-09)

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**33**

Application Number 10/716,360

Filing Date 11/18/2003

First Named Inventor Thomas

Art Unit 3772


Examiner Name Nihir B. Patel

Attorney Docket Number 1440.2032-001 / CMD-069

**ENCLOSURES (Check all that apply)**

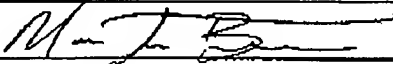
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**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Cleveland Medical Devices Inc.		
Signature			
Printed name	Brian M. Kolowski		
Date	3/12/2009	Reg. No.	36,847

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re:	Application of Thomas	)	
		)	
Serial No.:	10/716,360	)	
		)	Art Unit: 3772
Filed:	November 18, 2003	)	
		)	Attorney docket No. 1440.2032-001
For:	Gas system and methods for	)	Attorney docket No. CMD-069
	enabling respiratory stability	)	
		)	
Examiner:	Nihir B. Patel	)	
		)	

March 12, 2009

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APPEAL BRIEF TRANSMITTAL


Dear Sir:

Appellants' herein submit their brief as required under 37 C.F.R. §41.37. The Commissioner is hereby authorized to charge the \$255 dollar fee for the Appeal Brief to Deposit Account 502704. The Appellants herein certify that they are a small entity. The Commissioner is further authorized to charge any deficiency or to credit any overpayment to Deposit Account 502704.

The Appellants' believe this Appeal Brief complies fully complies with 37 C.F.R.  
§41.37.

Respectfully submitted,

3/12/2009  
Dated



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